



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

important fact is that the Wilson administration, ere it died, and the Harding administration, newly born, backed, and now endorse, a policy to which Great Britain and France adhere, by which some of the worst features of foreign intrusion on affairs Chinese will cease once the new plan becomes operative. China's right to treatment as a peer has been affirmed and insisted upon. Her fiscal obligations to richer nations are not to be capitalized for imperialistic ends. Such doors as she opens are to be open to all, which is what John Hay asked. In short, she is to have more "self-determination." Last, but not least, the "special rights" of Japan, based on propinquity and likeness of Asiatic origin and habitat, are denied. Imperialistic and militaristic Japan has had a check, which will have a repercussion in Japan favorable to the rising Liberalism that is slowly but surely turning and overturning one of the few dynastic governments of the world.

AN UNFORTUNATE AVERSION

IF A CASE involving a surgical operation be presented to the average man of intelligence, such a man's first instinct would be to send for a surgeon. A serious engineering problem would seem to require the services of an engineer. Infection at the root of a tooth turns one's attention naturally to a dentist. Since a treaty between nations is a legal document, it would seem that lawyers might be profitably consulted when such an instrument is up for consideration. One would naturally expect such simple principles as these to be accepted and acted upon. But not so with Mr. Wilson in Paris. As Mr. Robert Lansing says in his article appearing in the *Saturday Evening Post* under date of March 19, "He [Mr. Wilson] came to Paris without, so far as I know, a definite outline of a treaty with Germany. He did have a draft of a covenant of a League of Nations, but it was a crude and undigested plan, as is evident by a comparison of it with the document finally reported to the Conference on the Preliminaries of Peace. He, of course, had his famous fourteen points and the declarations appearing in his subsequent addresses as bases of the peace, but they were little more than a series of principles and policies to guide in the drafting of actual terms. As to a complete *projet*, or even an outline of terms which could be laid before the delegates for consideration, he apparently had none; in fact, when this lack was felt by the members of the American commission they undertook to have their legal advisers prepare a skeleton treaty, but had to abandon the work after it was well under way because the President resented the idea, asserting emphatically that he did not intend to allow lawyers to draw the treaty, a

declaration that discouraged those of the profession from volunteering suggestions as to the covenant and other articles of the treaty. The President, not having done the preliminary work himself, and unwilling to have others do it, was wholly unprepared to submit anything in concrete form to the European statesmen, unless it was his imperfect plan for a League of Nations."

Mr. Lansing tells in his book, "The Peace Negotiations," that Mr. Wilson's prejudice against the legal profession in general was exhibited on more than one occasion during his sojourn at Paris. Indeed, Mr. Lansing found throughout his years of intercourse with Mr. Wilson that he "conformed grudgingly and with manifest displeasure to legal limitations." The writer knew in Paris that Dr. Scott and Mr. Miller, technical advisers in international law, incurred the displeasure of Mr. Wilson because of certain suggestions relative to a "skeleton treaty," and this in spite of the fact that Mr. Wilson at the time had no plan of his own.

In light of the fact that Mr. Wilson attempted once the practice of law, and that he now contemplates that profession as a means of livelihood, one suspects that he must have respect for lawyers. In any event, one must be convinced, in light of the unfortunate fate of the Covenant of the League of Nations, that the advice of a few lawyers would not have been amiss in Paris. Some one has quoted from an ancient number of *Punch* the remark, "Put a lawyer on your horse and he'll soon drive you to the devil." And yet where our legal interests are involved we shall continue for some time to turn to the lawyer. We hold no misguided brief for lawyers; our only contention is that there may come times when they are needed in our business. It would appear that such a time came shortly after November 11, 1918. The aversion to lawyers then we now know to have been unfortunate, to put the thing mildly.

THE CO-ORDINATION of voluntary national health agencies would seem to be a step in the right direction. On the first of May a number of these organizations will take possession of offices in the same building in the city of New York. This movement in the direction of co-operation follows the work of the National Health Council and the Common Service Committee, made up of representatives of various agencies interested in the betterment of health and the prevention of disease in the United States. It is announced that each organization will retain full autonomy, the present step being taken for the purpose of reducing overhead expenses and for co-operation in health programs. Members participating in the enterprise are such organizations as the American Public Health Association, Amer-

ican Red Cross, American Social Hygiene Association, Conference of State and Provincial Health Authorities of North America, Council of Health and Public Instruction of the American Medical Association, National Child Health Council, National Committee for Mental Hygiene, National Organization for Public Health Nursing, and National Tuberculosis Association. If there be anything in the theory that the way to curb disease is to remove its cause, it would seem that all of these worthy associations should join the American Peace Society and make its work their chief concern.

ONE REASON that Germany stands to recuperate much faster than her successful rivals in war is that her indebtedness is owed to her own people mainly. The United States' unparalleled position of strength is due to much the same situation. Of the \$21,000,000,000 Liberty bonds, Victory notes, government certificates of indebtedness, and other issues of Federal securities, no less than \$18,000,000,000 are in the hands of American private owners, and practically all of the debt is owed by Americans to Americans. This fact should have a sobering, calming influence on pessimists who talk of the debt as if it were owed abroad.

THE DEATH of James Gibbons, senior representative in the United States of the cardinalate of the Roman Catholic Church, came on March 24. Eighty-six years old, he "passed on" to the rewards of a life dedicated to religion, peace among men, and irenic international relations, whether racial, political, or ecclesiastical. Counselor of four popes on affairs American, his influence had been benign and liberalizing. His standing with the American public was high, owing to his fine personal character, his loyalty to the Republic, and the record he had made as a pacific influence in state and in church. In all efforts to promote amity between the American republics and to establish Pan-American Union he was especially active.

THE ASSOCIATION of Military Colleges and Schools of the United States met in Washington during March. General Pershing, U. S. A., addressed the delegates and he did not disappoint them. How could he, when he says that if he were in a position to "dictate"—note the word—"he would prescribe a certain amount of military training for the youth of the land." Why? So as to "insure respect for the family and the State and obedience to the principles of organized government." We would like to have General Pershing develop this thesis, especially the notion that military training induces respect for the family and all that that word implies.

WALLACE IRWIN, creator of "Hashimura Togo," one of the cleverest and at the same time most humane of our writers, enlisted as a promoter of giving to the Near East Relief Fund, has very pertinently said: "Because of sins of Germany, I do not like to take milk from babes in Budapest. I am disabled to see why the World War was any more victory than before, because school children drop dead on the streets of Vienna to pay for sins of Franz Josef. . . . Babies are man-crop of the world. Without man-crop there can be no harvest of gold. Even Mr. Edison is not bright enough to think of some new invention which will manufacture future prosperity out of dead babies. Pay for their meal ticket today and perhaps they will pay for yours in 1940." Perhaps they will. Who knows? Certainly the best European and Asiatic friends of the United States of tomorrow are to be recipients of American love now. But even in the near future the bread of present good will will nourish pro-Americans among adult "intellectuals." 141,450 persons, mainly university and college teachers, professional men, and artists, have been aided from the Harkness bequest to the Commonwealth Fund, to the extent of \$500,000; and more is to follow.

A LITERALIST may scoff at the statement that "there is no more childhood in Europe," made by Rose Wilder Lane, in the Red Cross Bulletin, after a personal survey of conditions. But let him read her article, study the photographs that go with it, and ponder over her further statement, viz: "We talk of saving the next generation; but these aged little beings in their teens or younger are already this generation in Europe. They carry the burdens of maturity—somehow they manage to carry them, or they fail and go under—though their strength is not of maturity and never will be. But their strength is the future of half the white races." It is that last sentence that is so terrible to an admirer of the Caucasian race stock. The Europe of tomorrow and the day after tomorrow—indeed, the Europe of all coming time—is to be handicapped physically, mentally, and ethically by the malnutrition, psychical misery, sundering of family ties, and juvenile vagrancy and crime through which her babes, children, and youth are now passing. Mars has always been a Moloch feeding on potential humanity.

OFFICIALS of the army prepared 4,000,000 Victory war medals, assuming that all the forces employed would wish to have this proof of their participation in the "war against war" and the "war for democracy." To date only 1,500,000 medals have been sought for and distributed, and the War Department is now using a special corps of workers to make the demand equal the

supply. There is a "cause and effect" aspect of this situation "too deep for words." We suspect that a great many men eligible for these decorations question whether they are "Victory" medals.

LORD READING, he who was born Rufus Isaacs of an alien race, has arrived in India to follow Lord Chelmsford as Viceroy and representative of the King-Emperor. There is comfort in the analysis of his qualifications, which an acute contributor to the *London Times* gives. He has the power of concentration to master many facts and select the key to sound synthesis or generalization. That is a distinctively Jewish trait. He is a man to whom law "is an instrument of political liberty, as it was to Coke and the great common-law lawyers of Stuart days, a mold into which our glowing aspirations are to run to cool and harden." Therefore, says this analyst, knowing "the great part that the common law has played in English history in curbing the tyranny of the Executive," the returning Lord Chancellor and new Viceroy, "as several of his speeches have shown, goes out to India with a passionate faith in law as the great weapon of constitutional progress." Thus, romantic as are some of the aspects of this mission, they are none the less so because "clothed in the quiet, sober garments of the law." Since India now faces a revolutionary movement, led by Ghandi, the ascetic, idealistic, and eloquent native, all the more timely is the advent of a jurist, albeit one with a social imagination.

WHEN the police of New York City recently attempted to prevent a series of boxing exhibitions in the armory of a Coast Defense command, they were told by the commanding officer that Federal authority superseded a State law—which the boxers were breaking—and that the "exhibition" was being held to stimulate recruiting. That is to say, in times of peace the army and navy have a right to defy the will of the people of the Empire State; the particular form of law-breaking being a brutal display of fistic prowess calculated to induce men to become professional warriors. Nice, is it not?

BRITISH juridical circles suffered a major loss with the death, March 17, of Sir John Macdonell, a Scot, trained at Aberdeen and Edinburgh universities, to whom, as the *London Times*, commenting upon his death, said: "Law was a human thing and not a code. . . . Whether he spoke or wrote on the legal system of ancient Greece, or on the origins and development of the Common Law of England, or on the great writers of international jurisprudence, he disclosed a mind of

rare learning. He proved the continuity of the law and its evolution toward great ideals. He had a faith in its ultimate triumphs, which almost amounted to a religion." His modernity was shown by his vital interest in eugenics. He shared in forming the Penal Reform League, and sat on the Royal Commission on Divorce. To him the Journal of Comparative Legislation and International Law owed much as patron and contributor. He edited volumes on the "State Trials." At his feet as teacher sat many of the youth of China and Japan, who derived from him ideals and technique. In biography he had made posterity his debtor by writing estimates of great jurists. Posthumous works on "Treaties" and "Private International Law" will add to his fame and his record for prolific output.

INTERNATIONAL ORGANIZATION—EXECUTIVE AND ADMINISTRATIVE*

By JAMES BROWN SCOTT

Director of the Division of International Law of the Carnegie Endowment for International Peace

MR. CHAIRMAN, LADIES AND GENTLEMEN: My purpose is not to quarrel with the "League to Enforce Peace" or its partisans. My idea is something very different. It is a consideration of the question, which is very fundamental, of the relation which exists between force on the one hand and justice on the other, and to examine how far we can say that force can ever be trusted to find out justice, and finding out justice, to secure its realization. That is a point about which we do not need to quote Penn, nor do I need to refer to the distinguished authorities who have been cited in behalf of a league to enforce peace, a league of peace, or a league of honor, as, by successive gradations, the presidential plan has, little by little, developed into "a league of honor," a term used in his epoch-making address of April 2, before the Congress. The question simply is, What has been the experience of the world since the first time that man went upright on two legs down to the present day? We have a right to invoke the history of mankind down to the present day in this matter of force in the settlement of disputes, because, until and including the present day, force has been invariably and inevitably used.

In this way, going back to primitive man, up to the present day we find that force has not brought forth the fruits of perfect justice, and it seems to me we are, perhaps, justified in hesitating to accept a reorganization of the world based upon a principle which has always been tried and which hitherto has apparently not proved successful. Instead of force between two nations, we are now to have force between many nations; instead of the force of nations A, B, and C, which may happen to be in alliance, we are to have a force of the nations, beginning with A, B, and C and going down to X, Y, and Z, if they

* An address given April 27, 1917, before American Society of International Law, in reply to the address of Mr. William C. Dennis in favor of a League to Enforce Peace.